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FRIDAY, DECEMBER 8, 1911

VALUE OF LEGAL PRECEDENT.

The cautious writers for the daily
press have been exploiting of late,
much to popular misunderstanding,
the decisions of the courts in matters
of improperly drawn indictments.

Much of the original matter appeared
in the *Caller*, a monthly publication
for the legal fraternity issued by the
West Publishing Co., of St. Paul,
Minn. This was seized upon by raw
survivors of legal procedure and made
the vehicle for many bouts of supposed
humor.

As a matter of fact the criminal
procedure of this country is the
result of many centuries of experience
in methods of arriving at justice be-
tween the commonwealth and the accused.
It may appear witty to rail at
technicalities, but it must be con-
sidered that such technicalities are
the outgrowth of thousands of cases
in which the interests of the contending
parties have been fully and im-
partially considered.

To the layman criticism of the pro-
cesses of the law may temporarily lead
to a general outcry, but a more mature
consideration of the whys and where-
fores of the intricacies of legal pro-
cedure will eventually demonstrate
their necessity.

To pull down the barriers of legal precedents in crimi-
nal cases might, and undoubtedly
would, result in a laxity of corrective
judicial procedure that would prove
prejudicial to individual and collec-
tive rights.

By the slighting or relaxing of the
safeguards thrown about personal lib-
erty, guaranteed by magna charta
and the bill of rights the public weal
would be much more endangered than
under the ancient established forms.

It will be admitted, of course, that
some of the ancient procedure has
become obsolete, and that courts in
various jurisdictions are hopelessly at
odds in their decisions on subjects
germane to criminal procedure which
presents the same intrinsic phases.

To cure this, so far as the federal
courts are concerned, the house at
Washington has recently passed the
following bill designed to reform
some of the forms of practice upon
which courts have been at variance.

That no judgment shall be set
aside or reversed or new trial granted
by any court of the United States
in any case, civil or criminal, on the
ground of misdirection of the jury or
the improper admission or rejection
of evidence, or for error as to any
matter of pleading or procedure, un-
less, in the opinion of the court to
which application is made, after an
examination of the entire cause, it
shall appear that the error complained
of has injuriously affected the sub-
stantial rights of the parties. The
trial judge may in any case submit
to the jury the issues of fact arising
upon the pleadings, reserving any
question of law arising in the case
for subsequent argument and deci-
sion, and any court to which
the case shall thereafter be taken on
writ of error shall have the power to
direct judgment to be entered either
upon the verdict or upon the point
reversed, if conclusive, as its judg-
ment upon such point reserved may
require."

Gov. Colquitt is probably pleased
that the Texas legislature doesn't
have to meet oftener than once in
two years.

There is no reason why honest labor
should suffer for the infamy of
the McNamaras. The unions are wise
and we believe sincere in disavowing
dynamitism. Union labor could not
afford to identify itself with such dan-
gerous crimes, nor uphold any of its
members who resort to such lawless-
ness. There are some anarchists in
the ranks of the laboring men, but
The Caller prefers to believe that the
great body of American workingmen
are good citizens and American pa-
triotism.

There is a good deal of unnecessary
hysteria over the McNamara case.
The only thing to do is to run down
the violators of the law and punish
them, no matter who or where they
are. Such course is as much to the
interest of labor as to capital.

The Fort Worth Record thinks a
department of emigration could do
as good work for the state as a de-
partment of immigration. Whom
would it send away? Would C. B.
Randall, Morris Sheppard and Jake
Walters be included?

The Sunday fishing is always fine
in Corpus Christi, but nobody goes
fishing during the hours church ser-
vices go on, especially the night ser-
vice.

Kalamity Bonner says Austin is
going to have another dam that
amounts to a dam. The Austin hotels
cause a number of dams every day.

According to the Washington cor-
respondents, each recurring session
of congress is "the most important
that has convened in years."

The summer man.

Senator Curtis of Kansas, a propon-
er of the fight for uniform divorce laws,
said the other day in Topeka:

"Those who live in glass houses are
prone to throw stones. By the same
token, those who combat a uniform
divorce law need it most."

"It reminds me," said Senator Curtis,
"of a baseball clubman. Sucking
his stick at the window of his Broad-
way club, he pushed his top hat fur-
ther back and said:

"I always understand these sum-
mer girls were felts—so constantly
you know—no lasting faith."

"Well?" said another clubman.

"Well, by jove!" said the first
speaker, "I proposed to a Summer girl
last August at Asbury Park, and
an end of larks—batting, moonlight
strolls, and so on—and now, you
know."

He heaved a long sigh.

"Now, you know, he jove! It looks
as if I was in for a breath of princi-
ples still."

The Father's Example.

From the Pioneer, (Neb.) Republic:

"There is a story told of a father
who took his little boy one morning
into the city where he transacted
his business. When noon came he
took his boy to a restaurant where he
often had lunch. The waiter on re-
ceiving the order, knowing that it
was the father's custom to have a bottle
of wine, asked the boy what he
would take to drink. The boy re-
plied, 'I'll take what father takes.'

The father, realising the seriousness
of the situation, quietly beckoned to
the waiter and countermanded the
order."

A warning: "You are a fine little
fellow," said a man to the son of a
friend as he patted the boy on the
head. After chatting with him for
awhile he asked, in parting, "Well, I
suppose you are going to grow up to
be a man like your father?" "That's
what man's afraid of," innocently re-
plied the boy.

A Doubtful Job.

Governor Harmon of Ohio, at the
governor's convention at Spring Lake,
dismissed a political rumor with an
appropriate story.

"There is just as much truth in this
rumor," he said, "as in the industry
of Tived Tim."

"Tim," said a gentleman, suspiciously,
"I thought you had a job."

"So I have, sir," Tim answered,
locking up from a large glass of beer
I put on the dots in a domino fac-
tory."

"Well, then, why aren't you work-
ing?" said the gentleman.

"They're making double blanks
today, sir," said Tim."

Succeeded.

"Is Bingerly still lying to save
the country?"

"No; he's saved."

"How's that?"

" Didn't you know that he finally
secured an appointment as the head
fourkeeper in the legislature?" —The
Commoner.

TO AID POOR STUDENTS.

WILL OF HENRY STRONG PROVIDES FUND
FOR SOUTHERN COLLEGES.

ELKHORN, Wis., Dec. 7.—The
will of Henry Strong, filed for probate
today, provides for the establish-
ment of an educational fund for
the aid of poor students in Western
and Southern Universities and col-
leges.

Six per cent of the net income of
the estate which, it is estimated, will
amount to \$15,000 a year, is set
aside for this fund until twenty-one
years after the death of the last of
the testator's children and grand-
children.

We have THE stock this year. It
matters not in what catalogue or
where you saw it, we will produce the
same article at the same price, per-
haps less. The Stamps, 617 Mesquite
St. Just north of the postoffice.
Phone 226. Open evenings. —123 et

WITH EXCHANGES

His Letter.

Brentville Post-times:

A dashing young country swain
who was dead in love, wrote his lit-
tle bunch of sweethearts a letter as
follows:

"Dearest, my love for you is stronger
than coffee or the kick of a cow.
When I think of you my heart flops
up and down like my mother's chun-
dasher, and visions of doubt creep
over my soul until I feel like an old
cheese board full of holes by skipper-
Sensations of exquisite joy go through
me like young goats over a stable
roof. I feel as though I could lift my-
self with my boot straps to the height
of a church steeple. As a goslin swim-
meth in a mudpuddle, so do I swim
in a sea of delightfulness when you
are near me. My heart oscillates
like a shaker in a funning nut, and
my eyes stand open like cellar doors
in a country town. If my love is not
reciprocated, I will pine away like a
poisoned potato bug, and you will
catch cold over my grave."

The official reception today marked
the beginning of a ten days' program
of elaborate ceremonies to ad-
dition to the durior itself the events
will include the laying of the founda-
tion stone of the King Edward Me-
morial, the attendance of the king
and queen at divine service in the
great hotel city without the walls, a
grand review of British and native
troops and a race meeting and util-
itarian tournament. The program will
conclude with a civic progress
through the city of Delhi at which
more than half of all the domes-
estic residents of India are expect-
ed to be in attendance.

Becoming Americanized.

Anahiem Progress:

Germany is fast becoming Ameri-
canized, according to the reports of
the British consul at Munich, who
notes the symptoms in altered trade
methods, the greater use of advertising
by business houses and the growth
of luxury and restlessness in
private life, says the New York
World. But what will strike Americans
themselves as the best evidence of
American tendencies in Germany is
contained in the mounting cost of living
in Germany, and the Imperial
chancellor's suggestion that it must
be accepted as part of the new condi-
tions.

His Bank Excuse.

Brenham Herald:

A Chicago man who was arrested
for kissing a girl made a plea for
mercy by explaining that he was so
badly under the influence of intoxicants
that he didn't know whether he was
kissing a girl or a horse. The
judge, being unwilling to accept in-
toxication as an excuse, fined the off-
ender \$75 and costs. Things are not
as they used to be.

A Free Note Book and 1912 Calendar
for Our Readers.

We take pleasure in announcing
that any of our readers can secure a
pretty vest pocket note book and calen-
dar by sending a one-cent stamp
to B. Brett & Co., Patent Lawyers,
Washington, D. C. In addition to the
44 blank pages for memoranda, it
contains calendars for 1911 and 1912.

What would you give for
such a gift?

Special Friday and Saturday,

ENGLAND'S MAJESTIES HAVE ENTERED DELHI.

POES OF LIQUOR IN SESSION.

Notable Speakers Take Sides Against
Drink Question.

WASHINGTON, D. C., Dec. 7.—
"King Booze" is due to receive a
good many hard thumps from notable
speakers to be heard here during
the next week or ten days. Proceed-
ing the annual convention of the
Anti-Saloon League of America, to
be held in this city the coming week,
the superintendents and workers are
now engaged in a series of confer-
ences in the Metropolitan M. E. Church.
The convention proper will open next Tuesday evening with a
mass meeting in the Calvary Baptist
church. The sessions of the con-
vention will last four days and will
be followed by a national conference
to consider the issuance of ordinances.

NOTABLE SPEAKERS TAKE SIDES AGAINST DRINK QUESTION.

By The Associated Press.

WASHINGTON, Dec. 7.—The an-
nual report of the comptroller of the
currency was made public today. The
report finds the business condition of

the United States to be excellent.

Concerning the issuance of in-

clusive liquor laws, the report says:

"So far as the present situation

exists, it is not

likely to make

any difference in the

amount of liquor in circulation.

NOTABLE SPEAKERS TAKE SIDES AGAINST DRINK QUESTION.

By The Associated Press.

CHICAGO, Ill., Dec. 7.—The illus-
trious English Suffrage Association has

open a three days' fair at the Hotel

Kellogg to refute the timorous

assumptions that the women suffrage

bill will make a good wife

and mother. To prove this the organiza-

tion has invited 1,000 prominent

women to speak on the subject.

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NEW YORK, Dec. 7.—John Hays

Hammond will preside at the North-

east dinner, to be held